

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.  
**P-4804**

In Re Application Of: **Timothy M. Wiles, et al.**

Serial No.  
**09/583,891**

Filing Date  
**May 31, 2000**

Examiner  
**R. Gitomer**

Group Art Unit  
**1651**

Invention: **System and Method for Analyzing Antibiotic Susceptibility of Biological Samples**

RECEIVED  
AUG 21 2003  
TECH CENTER

**TO THE COMMISSIONER FOR PATENTS:**

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of **March 13, 2003** in the above-identified application.  
*Date*

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **March 13, 2003** finally rejecting Claim(s) **1, 4-10, and 21-24**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☐ One month ☒ Two months ☐ Three months ☐ Four months ☐ Five months

from: **06/13/2003** until: **08/13/2003**  
*Date Date*

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$320.00

Fee for Extension of Time: \$410.00

**TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$730.00**

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☐ A check in the amount of \_\_\_\_\_ for the Notice of Appeal and extension of time is enclosed.

☒ Please charge Deposit Account No. **02-1666** in the amount of **\$730.00**

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **02-1666**

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.  
**P-4804**

In Re Application Of: **Timothy M. Wiles, et al.**

Serial No.  
**09/583,891**

Filing Date  
**May 31, 2000**

Examiner  
**R. Gitomer**

Group Art Unit  
**1651**

Invention: **System and Method for Analyzing Antibiotic Susceptibility of Biological Samples**

**TO THE COMMISSIONER FOR PATENTS:**

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

  
*Signature*

Dated: **August 13, 2003**

**Bruce S. Weintraub**  
Reg. No. 34,277  
Attorney for Applicants  
Becton, Dickinson and Company  
1 Becton Drive  
Franklin Lakes, NJ 07417  
(201) 847-7096

**RECEIVED**  
AUG 21 2003  
TECH CENTER 1600/2900

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Typed or Printed Name of Person Signing Certificate*

**\*This certificate may only be used if paying by deposit account.**

**Certificate of Mailing**

I certify that this document and fee is being deposited on **8/13/2003** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
*Signature of Person Mailing Correspondence*

**Nicole M. McRae**

\_\_\_\_\_  
*Typed or Printed Name of Person Mailing Correspondence*

CC: